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8 October 1953

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Legislative Provisions for the Organization
and Structure of Career Service in CIA

1. PROBLEM

To determine what legislative provisions should be sought concerning the structure of the CIA Career Staff and the organization of the CIA Career Service Program.

Note: While the Task Force as a whole supports the general tenor of the conclusions of this study, individual members do not necessarily concur in the various arguments supporting those conclusions.

2. FACTS BEARING ON THE PROBLEM

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a. CIA Regulation [REDACTED] equates the Career Staff to the group of career employees in the Agency, who are defined as one of the two groups of Agency employees, the other group being temporary employees.

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b. CIA Regulation [REDACTED] establishes the over-all policy and the organizational structure for administering the Career Service Program within CIA; it provides for the CIA Career Service Board and for component career service boards, and specifies their membership and functions.

c. Paragraph 12, Minutes of the 8th Meeting, CIA Career Service Board, records the Board's decision to appoint a legislative task force to work with the General Counsel and with the Chairman, CIA Career Service Board, "in preparing a program of legislation to be presented to the Second Session of the 83rd Congress."

d. Memorandum for Chairman, CIA Career Service Board, from its Executive Secretary, subject, "Matters Affecting a Legislative Program," dated 26 June 1953, lists eighteen topics "which should be considered in the development of a legislative program" and is presumed to be the basis of the Board's action in paragraph 12, Minutes of 8th Meeting.

e. Public Law 724 - 79th Congress, the "Foreign Service Act of 1946," states that its objectives are to "develop and strengthen the Foreign

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Service of the United States." It establishes: a short title, objectives, and definitions; governing bodies for the direction of the Service; duties of officers and employees; categories and salaries of personnel; mechanisms for appointments and assignments of various categories of personnel; administration of efficiency records, promotions, separations, and inspections; the Foreign Service Institute; the Foreign Service retirement and disability system; allowances and benefits, rules of leaves, and provisions for medical services; and, among various miscellaneous provisions, lists prohibitions on members of the Foreign Service and its employees.

3. DISCUSSION

a. The subject of this staff study is not included specifically in the list of eighteen topics in the Executive Secretary's 26 June memorandum. The Task Force agreed, however, that this matter, like certain other topics added to the list of eighteen, was too important to be neglected and properly came within the more general charge to the Task Force in paragraph 12 of the Minutes of the Career Service Board's 8th Meeting.

b. The problem of this study seems to resolve itself most appropriately into terms of finding answers to two questions: First, is it desirable that some sort of explicit legislative recognition be given to the CIA Career Service Program? Second, what specific provisions, if any, of CIA Regulations [redacted] or what other provisions of an organizational and structural nature, should be proposed for inclusion in legislation? The Task Force considers that these questions are separable from those of the specific benefits to be sought by legislation for members of the CIA Career Staff, which are the subjects of other studies submitted by this Task Force. The question of legislative statement of specific obligations on CIA employees, though possibly important in the organization of career service, is presented in a separate study.

c. It immediately became clear that no easy answer to these questions would be forthcoming. The Task Force heard and considered thoughtful support of both affirmative and negative positions on the first question and discussed various suggestions relative to the second question.

d. On the one hand, it was argued that a career service established by law gains dignity and substance over a service that is established only in Agency regulations, and that it fosters a growth of tradition and esprit de corps. It was pointed out that, in addition to the Foreign Service, other Government career services, such as the Coast Guard and the

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Public Health Service, derive their basic terms of reference from laws, and that the Civil Service itself is founded in statute. The logical conclusion from these arguments would lead to proposals for a law that, drawing on the Foreign Service Act of 1946 for general guidance though with the knowledge that many of its provisions themselves or even its titles would not be appropriate for an intelligence service, would be somewhat similar to that act in its general tenor and characteristics. The short title, for example, might well be "The Intelligence Service Act of 1954." A section devoted to intent would have the Congress declare that the objectives of the act are first, to foster and establish an Intelligence Service composed of fully qualified people who will accent an obligation to devote themselves permanently to the needs of the Intelligence Service of the United States, and, further, to insure the attainment of such other purposes, paralleling those of the Foreign Service Act, as it seemed wise to enumerate to justify setting up by law a career service in intelligence. The separate legislative existence of the Intelligence Service would be stressed by including, in a section devoted to defining terms in shortened form, the word 'Service' for the Intelligence Service on the same level as 'Agency' for the Central Intelligence Agency, 'Director' for Director of Central Intelligence, and any other short forms it seemed well to include. A title, analogous to Title II of the Foreign Service Act on governing bodies, would outline the authority of the Director in administering the Service, and might well include the CIA Career Service Board or provide some other body analogous to the Board of the Foreign Service. A title on duties would include the obligation of members of the Intelligence Service to perform duties at any time, in any place, and under any circumstances, and list any restrictions, universally applicable to members of the Intelligence Service, that it seemed well to include to justify the special benefits later provided. Finally, in later titles devoted to retirement, medical benefits, and the like, the benefits would be stated as applicable to members of the Intelligence Service rather than to employees of CIA.

e. On the other hand, it was argued that the minimum of legislative provisions are the least encumbering to sound administration, particularly since it is not clear that the CIA Career Staff possesses the common denominator of similar backgrounds, professional skills, and interests that is conspicuous in legislatively established career services, and will therefore need less rigid and more easily alterable rules for its government. It was further argued that the experience of the State Department -- in internal administration, in public relations, and at the hands of investigating bodies -- is reason against rather than for a legislatively established career service separate from the generality of employees. Finally, it was thought that the proper encouragement for employees to make a career of service in CIA does not require the

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legislative establishment of an "Intelligence Service" on the analogy of the Foreign Service or other services established by legislation. The logical conclusion from these arguments would lead to a law resembling the CIA Act of 1949 rather than the Foreign Service Act of 1946. The proposed short title would not contain the words "Intelligence Service" but would be "CIA Employees Act" or "CIA Act of 1954" or the like. If a section on intent is necessary (Public Law 110 has none), that section would have the Congress declare that the objective of the act is to strengthen and develop the Central Intelligence Agency by providing conditions and advantages of service proportionate to special obligations necessarily assumed by employees of the Agency, and conducive to retention by the Agency of experienced employees who will make a career of intelligence service. If a way is found to include in the law provisions freeing the Director to some degree from restrictions due to Veterans' preference laws and other governmental machinery for Civil Service review, further intent might be stated to provide for prompt elimination in an equitable manner of employees who fail to perform as effective members of the Agency. There seems no reason, however, for the lengthy statement of objectives found in the Foreign Service Act. Since no "Intelligence Service" is to be set up, the word "Service" will not need to be included in the list of short forms defined, and, further, there will be no section providing for the government of the "Service". There would be no initially proposed title on duties and obligations, both because of present lack of unanimity as to just what duties and obligations apply to the entire CIA Career Staff, and because, even were there present agreement, it seems wiser to reserve the greatest possible administrative freedom for the Director to meet changing conditions. It was recognized, however, that a certain amount of bargaining room may be needed, and a minimum statement of obligations might later be introduced if discussions with Congressional committees indicated such a section as a desirable counterpart to the sections on benefits. And, finally, the later sections on benefits would make the benefits applicable to CIA employees rather than to members in, or officers and employees of, the "Intelligence Service".

f. The Task Force has finally reached the opinion that the disadvantages of a legislatively established CIA career intelligence service outweigh the advantages.

(1) It was not found that any dignity and substance gained by the legislatively established career service in the mind of the prospective employee would benefit the Agency. Much of the substance of the Foreign Service, from the point of view of the applicant, arises from

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public knowledge of its functions and public discussion of its requirements, from its system of written examinations and from the schools set up specifically for the purpose of helping applicants pass these examinations. In short, it is possible for an interested prospect to discuss the Foreign Service with its members and with his friends and to make, even before taking its examinations, a reasonably intelligent decision as to whether he wants to make it his life's work. It is doubtful whether sufficient information can be published on many CIA activities to permit reasonable life-time decision by an applicant; for it is very unlikely that the Agency will ever publicly discuss detailed desired qualifications of its members or that unclassified schools will cram for Agency examinations based on those requirements. Therefore, there would be danger that applicants drawn to the "Intelligence Service" by its legislative provisions might be largely those influenced by security of tenure --- not necessarily the best motivation for CIA. The type of employee desired could hardly be expected to make a life-time decision until toward the end of a rather long provisional period, at which time the legal provisions establishing the service will probably not be of as great moment as what he has learned of the administrative direction of the Agency and the nature of its work.

(2) It may be granted that, from the point of view of the employee of say two years standing as distinguished from the applicant there may be some initial satisfaction in belonging to a service specifically named and authorized by law. But from the Agency's point of view, the true esprit de corps will center in the Agency itself, not in an association of Agency employees, just as the spirit of a military unit, though possibly helped somewhat by the traditions of the unit, is largely based on the present state of the unit, its success in battles in which its members have participated, and its confidence in its commander, and is an asset to the army because it makes the unit more, rather than less, immediately responsive to the will of the commander. CIA employees will wish to continue with the Agency if it is a good place to work, if it has a record of achievement, if they see the competent rewarded and the incompetent disappear --- conditions depending not on legislative provisions but on the administrative skill with which the Agency, including of course the Agency's own career service program, is administered.

(3) The specialized nature of CIA operations is considered sufficient to justify proceeding on a path dictated by the Agency's own interests.

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(4) The argument that this Agency should by all means avoid seeking legislation -- with its restrictions on freedom of administrative action and possible searching into Agency operations -- for any object that can be achieved without legislation, seems particularly cogent.

4. CONCLUSIONS

a. The Task Force therefore concludes:

(1) The proposed legislation should neither authorize nor mention any entity such as an "Intelligence Service".

(2) The objectives of the law, if General Counsel thinks such a section indicated, should refer to the Central Intelligence Agency rather than to an "Intelligence Service" and should be stated in terms of strengthening CIA by creating conditions conducive to retention of experienced employees over the long term; and, if appropriate in the light of later sections, conditions favoring the prompt but equitable elimination of the ineffective;

(3) Since no "Service" is set up, no provisions for the government of such a service will be necessary;

(4) In sections dealing with benefits, benefits should be made available under prescribed conditions to employees of the Agency rather than to members of an "Intelligence Service."

b. The Task Force suggests the following texts of pertinent titles as a draft conveying the intent of the Career Service Board to the General Counsel's office:

SHORT TITLE: This act may be cited as the Central Intelligence Agency Act of 1954

DECLARATION OF INTENT: The Congress hereby declares that the objectives of this act are to strengthen and develop the Central Intelligence Agency by providing:

(1) conditions and advantages of service proportionate to the special obligations necessarily assumed by employees of the Agency, and conducive to retention by the Agency of experienced employees who will make a career of intelligence service

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(2) prompt elimination in an equitable manner of employees who fail to perform as effective members of the Agency.

5. RECOMMENDATIONS

- a. That the CIA Career Service Board approve the above conclusions, and secure approval by the Director of Central Intelligence;
- b. That the office of the General Counsel be requested to prepare legislation consistent with the above conclusions;
- c. That the Deputy Director (Administration) be requested to assume over-all responsibility for action.